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RUEAIIA/CIA WASHINGTON DC PRIORITY
RUEKJCS/DIA WASHINGTON DC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 ABUJA 000492

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DOE FOR CAROLYN GAY

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TAGS: PGOV KDEM PHUM NI

SUBJECT: INEC CHAIRMAN TELLS WESTERN COMS HE IS "DETERMINED TO PROCEED" WITH ELECTIONS

REF: ABUJA 403

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Classified By: CDA Thomas P. Furey for reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: In a March 8 meeting with Western diplomats, Independent National Electoral Commission (INEC) Chairman Maurice Iwu again exuded the optimistic tone he has shown in recent meetings about the state of preparations for forthcoming state and national elections (see reftel). He claimed that preparations to allow close to 60 million Nigerians to vote at 150,000 polling stations operated by 500,000 INEC staff on April 14 and 21 were on track. While acknowledging that much remained to be done, he contrasted the state of preparations now with those six weeks before the 2003 elections, and claimed INEC was in relatively good shape. Iwu was firm that Vice President Atiku would be excluded from the Presidential ballot, unless INEC was ordered to add him by the Supreme Court, which he did not expect. Iwu said he anticipated that a runoff election between the top two candidates was likely, but still expected the inauguration of the new President to take place on May 29, as mandated in the Constitution. END SUMMARY.

¶2. (C) On March 8, The Ambassador hosted INEC Chairman Iwu for a briefing of the Chiefs of Mission (COM) Contact Group on Elections at the Ambassador's residence. Representatives from the Missions of the UK, Canada, Japan, Netherlands, Germany, Finland, France, Italy and the EU attended. DCM, PolCouns and Poloff (notetaker) were also present.

State of Electoral Preparations

¶3. (C) Iwu described the state of election preparations in optimistic tones. He told the COMs INEC was "determined to proceed" with the April 14 (state) and April 21 (national) elections. The Commission had made public the final list of statewide candidates earlier in the day, and planned to publish the national list the following week. Finalizing the lists had proved to be a "formidable task," but was now almost done.

¶4. (C) Iwu claimed that INEC had now completed ten of the twelve milestones it had set for itself, and that only the elections and the counting remained. He said about 75

percent of the materials needed to conduct the poll were already in-country, and that only the polling booths and ballot papers were yet to be completed. The ballots themselves were being printed by the Nigerian mint, and steps were being taken to make sure ballots would be prepared in the event of a runoff at either the gubernatorial or presidential level.

¶15. (C) Iwu said there were 61 million voters on the registration lists as originally announced; after "some scrubbing" this had come down to somewhat less than 60 million. Asked about problems which might arise because of the creation of additional polling places (note: currently there are 122,000, but INEC is considering increasing this to 150,000. End note), he claimed that copies of the voters rolls from adjacent polling places would be available to each presiding officer (presumably enabling voters to be steered to the correct station).

¶16. (C) Iwu said he had inducted 1,000 new INEC staff earlier in the day, bringing the total to 6,000. The Commission intended to hire and train another 500,000 temporary workers for election day itself. While acknowledging that much remained to be done, he contrasted the situation six weeks before these elections with the state of preparations for the 2003 presidential poll (Comment: in our view, an extraordinarily low standard. End comment) at an equal stage, and claimed things were "going relatively well." He claimed that four years ago there was serious talk of postponing the elections, but this time he refused even to meet with the Attorney General, Court of Appeal or National Assembly to discuss the subject, since he saw no need.

Candidates In or Out

¶17. (C) Several COMs pressed Iwu on whether or not further

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changes to the list of presidential candidates were likely or even possible. He replied that the deadline was now long past; at this stage, only a ruling by the Supreme Court or the death of a candidate could change things. Were INEC to act differently, "everyone would file a suit against it," he argued.

¶18. (C) Focusing on the case of VP Atiku, the Action Congress (AC) choice for presidential candidate, Iwu argued that Atiku and the AC were misinterpreting a recent Appeals Court ruling that INEC could not itself disqualify candidates. He pointed out that it was not INEC, but the Nigerian Constitution (which bars persons "indicted for embezzlement or fraud by a Judicial Commission of Inquiry or an Administrative Panel of Inquiry or a Tribunal set up under the Tribunals of Inquiry Act" from standing as presidential candidates) which was keeping Atiku off the ballot. Atiku was asserting that his Vice Presidential immunity from prosecution meant this did not apply to him. INEC and the GON believed he could still be indicted, even if he could not be prosecuted. Iwu believed only a Supreme Court ruling different from this interpretation (which he did not expect) could reverse this. (Comment: What Iwu is obfuscating here is whether INEC, as opposed to the courts, has the authority to interpret what the Constitution means. End comment.)

¶19. (C) Iwu contrasted the actions of the All Nigerian Peoples Party (ANPP) with the AC. In every case where the qualifications of an ANPP candidate had been questioned, the party had replaced him quickly so as to make certain it had a full list of candidates on the ballot. The AC, by contrast, had neither replaced its challenged candidates, nor sought a court order to bar INEC from deleting them, with the result that it would have no candidate for several key races, including the Presidency.

Remaining Issues

¶10. (C) Iwu said INEC was planning to launch a public information campaign the week of March 12, though providing the campaign with a sample ballot might prove difficult, given that the list of presidential candidates would only be made public later the same week. He understood that Civil Society Organizations (CSOs) and the National Orientation Agency (a parastatal under the Ministry of Information) were also planning to begin similar campaigns shortly. Iwu said relations with CSOs had not always been good, but were now improving, and that three had been chosen as INEC's "preferred election observers." INEC was also seeking an understanding with political parties to make sure all 50 registered parties did not seek to have polling agents at the same polling place, since this would create confusion.

¶11. (C) COMs asked about INEC's ability to conduct polls in the Niger Delta region. Iwu believed most ordinary people wanted the voting to go ahead without hindrance; it was only some politicians who might instigate a crisis. He argued that the ruling PDP's decision to make Bayelsa State Governor Goodluck Jonathan its vice presidential candidate had given the people of the Delta a sense of inclusion greater than they had ever previously felt.

¶12. (C) Asked about preparations for a possible second round of the presidential elections, Iwu said he thought such a runoff was now the most likely outcome of the April 21 poll, given Atiku's exclusion from the ballot and the questions about Yar'adua's health. He claimed preparations for such a runoff were now "well advanced," and added that it would have to be conducted before April 29, given the required 30-day hiatus before the constitutionally mandated May 29 handover date to the new President.

Comment

¶13. (C) Contrary to the views of the resident representatives of IFES, IRI, and NDI , and most other neutral observers, Iwu continues to maintain that everything is on track for Presidential elections which are now less than six weeks away. He was clear about his determination to exclude Atiku from the ballot unless required to do so by an unambiguous

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Supreme Court ruling, but also about holding the April 14 and 21 elections, and May 29 swearing in of a new President as scheduled. End comment.

FUREY